

REMARKS

The Examiner rejected claims 1 under 35 U.S.C. §102(b) as anticipated by Lessard (D360,920). The Examiner also rejected claim 1 under 35 U.S.C. §102(b) as anticipated by Spector (5,027,439). Additionally, the Examiner rejected claims 2-18 under 35 U.S.C. §103(a) as being obvious over Spector (5,027,439).

The Section 102(b) Claim Rejections:

The Examiner rejected claim 1 under 35 U.S.C. 102(b) as anticipated by Lessard (D360,920) and Spector (5,027,439). Claim 1 as amended clearly defines over the art of record and its therefore requested that the Examiner withdraw the section 102 rejections.

Independent claim 1 requires an athletic training device for use in blocking balls. The athletic training device includes a front layer intended to contact a hit ball and a rear layer, which is intended to absorb force transmitted to the front layer. The athletic training device further includes an insert portion disposed between and secured to each of the front layer and the rear layer. The insert portion is comprised of a relatively stiff material. Additionally, the athletic training device includes a hand receiving portion to allow receipt of a user's hand therein. The hand receiving portion is smaller than the front layer. Moreover, the hand receiving portion covers a substantial portion of the user's hand to maintain it in a generally fixed position.

The Applicant's disagree that the Spector reference teaches a training device having a front layer intended to contact a hit ball and a rear layer, which is intended to absorb force transmitted to the front layer. Spector teaches an athletic glove having an outer shell contoured to define a body section forming a palm zone. The glove includes a stiff flexible plate placed behind the palm zone that is intended to contact a ball. The rear of the glove is merely a covering for the hand and does not absorb any force. Additionally, Spector does not teach a training device where the hand receiving portion is smaller than or is overlapped by the front layer. In Spector, the front layer is the hand portion. It is thus respectfully submitted that claim 1 defines over the Spector reference.

Lessard also fails to teach Applicant's invention of claim 1. Initially, the Lessard device is an infield training paddle and is thus intended to deflect a baseball

from one direction to another. Further, if the structure that the Examiner contends is an insert is truly an insert then the rear layer is not intended to – and does not – absorb any force as the front layer and the rear layer are not connected in any fashion and all the force is received and absorbed by the apparently non-flexible middle portion -- not the rear layer. Moreover, the Lessard reference does not teach a hand portion that substantially covers a user's hand. The purpose of this feature is to maintain the user's hand in a position similar to how it would be oriented in order to block a volleyball. Thus, Applicant's invention of claim 1 is not taught or suggested by Lessard.

It is therefore respectfully submitted that the section 102 rejection of claim 1 should be reconsidered and withdrawn. It is also submitted that claims 2 through 10, which depend from claim 1, are allowable for the same reasons provided above in connection with claim 1.

The Section 103(a) Rejections:

Additionally, the Examiner rejected claims 2-18 under 35 U.S.C. §103(a) as being obvious over Spector (5,027,439).

Independent claim 11 has been amended and requires a volleyball blocking pad having a foam portion and a relatively stiff portion disposed within the foam portion. The foam portion is encapsulated by an outer covering. The outer covering has a hand receiving portion secured thereto with the hand receiving portion being smaller than the foam portion. Additionally, the foam portion and the relatively stiff portion can both flex when contacted by a ball.

The Applicant's respectfully disagree that the Spector reference teaches or suggests Applicant's claimed invention. Initially, the Spector reference does not teach a training device where the hand receiving portion is smaller than or is overlapped by the front layer. Spector teaches a hand portion that is coextensive with the front portion. In reality, Spector only teaches a hand portion and not a separate front portion discrete from the hand portion. Moreover, because Spector only teaches a training device consisting of a hand portion, Spector does not teach a foam portion – let alone a foam portion and a relatively stiff portion – that can flex rearwardly when contacted by a ball. The glove in Spector does not flex rearwardly; only the hand can

move rearwardly and this is distinguishable from Applicant's claimed invention. It is thus respectfully submitted that claim 11 defines over the Spector reference.

Claim 18 has been clarified, but is believed to be allowable over the art as originally filed. The changes to claim 18 are not made for purposes of patentability, but to clarify the invention. Claim 18 requires a volleyball blocking pad including an absorbing portion for absorbing some force of a contacting volleyball. The pad includes a relatively stiff portion in communication with the absorbing portion to allow the blocking pad to block the contacting ball, but still flex slightly backward with respect to a user's hand. The pad also includes a hand portion in communication therewith for receipt of the user's hand.

Claim 18 is not taught or suggested by Spector. As set forth above, Spector does not teach a blocking pad that can flex slightly backward with respect to a user's hand when it is contacted by a ball. Instead, the glove in Spector merely covers a user's hand and has an insert portion to contact a ball. It does not flex rearwardly with respect to the user's hand. If the glove flexes rearwardly, than the user's hand also must flex rearwardly. Accordingly, claim 18 is submitted to be allowable over the art of record.

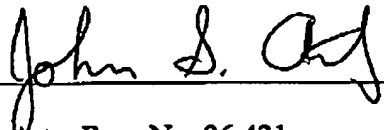
It is therefore respectfully submitted that claims 11 and 18 are allowable over Spector and the other references of record. It is also submitted that claims 12-17, which depend from claim 17, are allowable for the same reasons provided above in connection with claim 11.

Conclusion:

It is submitted that all objections and rejections of record have been overcome and that all pending claims are in condition for allowance. A Notice of Allowance is therefore earnestly solicited.

If the Examiner should have any questions, she is urged to contact the undersigned at (248) 223-9500.

Respectfully Submitted,



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